

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-401]

Certain CD-ROM Controllers and Products Containing Same; Notice of a Commission Determination Not To Review an Initial Determination Terminating the Investigation on the Basis of a Settlement Agreement and Withdrawal of the Complaint

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined not to review the presiding administrative law judge's ("ALJ's") initial determination ("ID") granting a joint motion to terminate the above-captioned investigation on the basis of a settlement agreement and withdrawal of the complaint.

FOR FURTHER INFORMATION CONTACT: Carl P. Bretscher, Esq., Office of the General Counsel, U.S. International Trade Commission, telephone (202) 205-3107.

SUPPLEMENTARY INFORMATION: The Commission instituted this investigation on August 20, 1997, based on a complaint filed by Oak Technology, Inc. ("Oak Technology"). Oak Technology alleged that respondents Winbond Electronics Corp. ("WEC"), Winbond Electronic North America Corp., Wearnes Technology (Private) Ltd., Wearnes Electronics Malaysia Snd. Bhd., and Wearnes Peripheral International (Pte.) Ltd. (collectively "respondents") violated section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, by importing, selling for importation, or selling within the United States after importation certain CD-ROM controllers and products containing same that infringe certain claims of Oak Technology's U.S. Letters Patent 5,535,327 and U.S. Letters Patent 5,581,715.

On March 18, 1998, Oak Technology and respondents filed a joint motion to terminate the investigation based on a settlement agreement between Oak Technology and WEC and Oak Technology's agreement to withdraw its complaint against the other respondents.

On March 30, 1998, the Commission investigative attorney ("IA") moved to make public certain additional portions of the settlement agreement. The motion was unopposed.

On April 15, 1998, the ALJ issued an ID (Order No. 9) terminating the investigation on the basis of the

settlement agreement and withdrawal of the complaint. The ALJ also granted the IA's motion to make public certain additional portions of the settlement agreement. The ALJ found no indication that termination of the investigation on the basis of the settlement agreement would adversely impact the public interest. No party filed a petition to review the subject ID.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, and Commission rule 210.21, 19 CFR 210.21. Copies of the ALJ's ID and all other nonconfidential documents filed in connection with this investigation are or will be available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, S.W., Washington, D.C. 20436, telephone 202-205-2000. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

Issued: May 8, 1998.

By order of the Commission.

Donna R. Koehnke,
Secretary.

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INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-410]

Certain Coated Optical Waveguide Fibers and Products Containing Same; Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Institution of investigation pursuant to 19 U.S.C. 1337.

SUMMARY: Notice is hereby given that a complaint was filed with the U.S. International Trade Commission on April 9, 1998, under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, on behalf of Corning, Inc., 1 Riverfront Plaza, Corning, NY 14831. Supplements to the complaint were filed on April 28, 1998, and May 6, 1998. The complaint, as supplemented, alleges violations of section 337 in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain coated optical waveguide fibers, and products containing same, made by

a process that infringes claim 1 of U.S. Letters Patent 4,792,347. The complaint further alleges that there exists an industry in the United States as required by subsection (a)(2) of section 337.

The complainant requests that the Commission institute an investigation and, after the investigation, issue a permanent limited exclusion order and a permanent cease and desist order.

ADDRESSES: The complaint, except for any confidential information contained therein, is available for inspection during official business hours (8:45 a.m. to 5:15 p.m.) in the Office of the Secretary, U.S. International Trade Commission, 500 E Street, SW., Room 112, Washington, DC 20436, telephone 202-205-2000. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202-205-1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202-205-2000. General information concerning the Commission may also be obtained by accessing its Internet server (<http://www.usitc.gov>).

FOR FURTHER INFORMATION CONTACT: Jeffrey R. Whieldon, Esq., Office of Unfair Import Investigations, U.S. International Trade Commission, telephone 202-205-2580.

Authority: The authority for institution of this investigation is contained in section 337 of the Tariff Act of 1930, as amended, and in § 210.10 of the Commission's rules of practice and procedure, 19 CFR 210.10 (1997).

SCOPE OF INVESTIGATION: Having considered the complaint, the U.S. International Trade Commission, on May 7, 1998, ordered that—

(1) Pursuant to subsection (b) of section 337 of the Tariff Act of 1930, as amended, an investigation be instituted to determine whether there is a violation of subsection (a)(1)(B) of section 337 in the importation into the United States, the sale for importation, or the sale within the United States after importation of certain coated optical waveguide fibers, or products containing same, made by a process that infringes claim 1 of U.S. Letters Patent 4,792,347, and whether there exists an industry in the United States as required by subsection (a)(2) of section 337.

(2) For the purpose of the investigation so instituted, the following are hereby named as parties upon which this notice of investigation shall be served: